

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0013/1dn
GMM:kjf:md

September 1, 2010

Representative Bernard Schaber:

Under current s. 48.65 (2) (b), only parochial schools, and not other private schools, are exempt from the child care licensing requirement. That distinction, however, was held unconstitutional in *Milwaukee Montessori School v. Percy*, 473 F. Supp. 1358 (1979). Accordingly, this draft, in addition to requiring a private school providing child care for children under four years of age to be licensed to operate a child care center, eliminates the unconstitutional distinction between parochial and other private schools.

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